

CITY BOARD OF ZONING APPEAL #06004

DATE SCHEDULED FOR PUBLIC HEARING: May 19, 2006

LOCATION: Northeast of the intersection of North 48th Street and Cleveland Avenue.

ADDRESS: 4822 Cleveland Avenue

LEGAL DESCRIPTION: The east 50.6' of Lots 9 and 10, and the east 50.6' of the south 25' of Lot 11, Block 40, University Place.

ZONING: B-3 Commercial

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-3
South:	Commercial	B-3
East:	Residential	R-6
West:	Commercial	B-3

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

1. Lincoln Municipal Code (LMC) Section 27.69.050(e) requires that "Within seventy-five feet of any residential zoning district, no sign shall face directly toward such district, except where the lot is used primarily for a nonresidential use. One sign designating an accessory entrance not exceeding twenty square feet in sign area and non-illuminated and non-reflecting is permitted." A variance to the required separation from 75' to 45' is requested.

STAFF FINDINGS:

1. The subject property is located at 4822 Cleveland Street and is zoned B-3 Commercial.
2. Per LMC Section 27.69.050(e), signs in the B-3 facing a residential district must maintain a 75' separation, except that a 20 square foot, non-illuminated and non-reflecting designating an accessory entrance is permitted.
3. The parcel is prohibited from having an identification sign that faces the R-6 to the east because it is only approximately 50' wide and cannot comply with the 75' separation requirement.

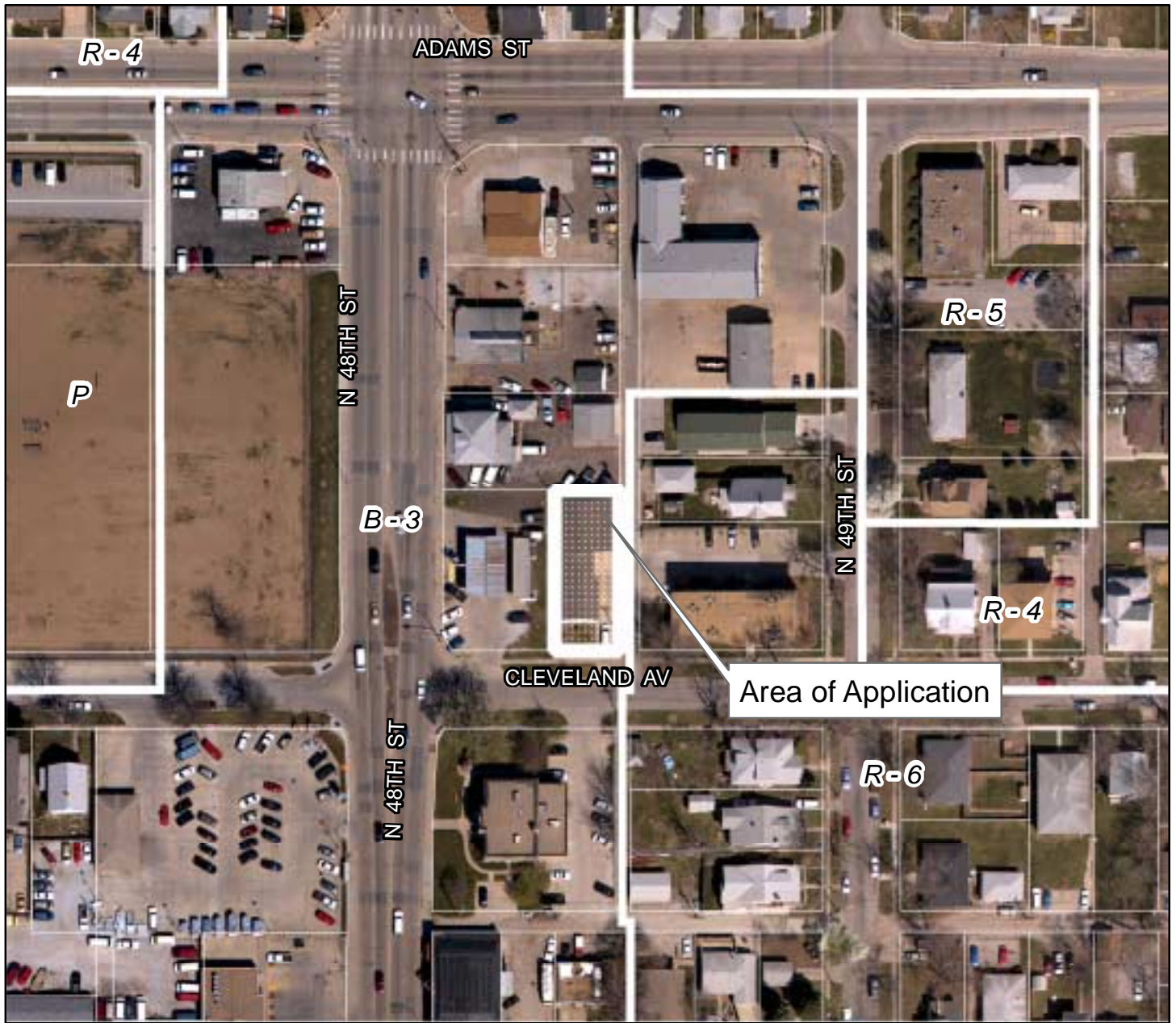
4. The applicant is seeking to erect a monument ground sign to identify the business on the site. The elevation submitted as part of the application shows a 4'3" tall sign with a 3' x 6' sign face that is located approximately 45' away from the R-6 to the east.
5. The lot to the east zoned R-6 is occupied by a multiple-family building. The entrances to the building are oriented to the north and south and do not face the lot to the west where the proposed sign is to be located. Additionally, there are no windows on the west side of the apartment building.
6. The applicant notes the sign will be backlit to provide subdued illumination. Exhibits of other similar signs located around the city that were provided by the applicant are attached for review.
7. The sign could be oriented to face south, or could have a sign face on only one side and meet the requirements of the sign code. If the sign faces south, the amount of advance notice provided to drive-by customers is diminished. If there is sign copy on the west face only, the sign does not provide any advance notice to those cars westbound on Cleveland Avenue.
8. The B-3 zoning district allows a wide range of commercial uses including potentially large signs, some of which may not be compatible when located adjacent to a residential district. The allowed signs include illuminated pole signs up to 150 square feet in area and up to 35' in height. The 75' separation requirement for a sign in the B-3 from a residential district is intended to ensure the signs do not create a nuisance for residences.
9. The 75' separation requirement applies to all signs in the B-3 and makes no exception for ground signs with subdued illumination such as the one being proposed, except for a sign designating an accessory entrance not exceeding twenty square feet in sign area and that is non-illuminated and non-reflecting. While the proposed sign is approximately 18 square feet in area, it does not qualify for this exception because it is used as an identification sign and not to designate an accessory entrance.
10. The intent of the 75' separation requirement is to provide a buffer between the signs in the B-3, some of which can be very large, and neighboring residential uses. However, several zoning districts, such as the O-3 and B-2 which have limits upon the maximum height, area and types of signs, do not have separation requirements. For example, illuminated ground signs up to 32 square feet in area and 8' in height can be adjacent to a residential district.

11. The Board of Zoning Appeals is empowered to grant variances “to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.”

Prepared by

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May 9, 2006

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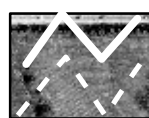
Board of Zoning Appeals #06004 4822 Cleveland Av

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 17 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

